

Remarks

In response to the restriction requirement which the Examiner imposed, Applicants elect, with traverse, to prosecute claims 1-8, *i.e.*, the Group I(a) claims.

The Examiner has separated Group I into 5 parts, Group II into 4 parts, and Group III into 4 parts. Groups IV and V have one part each. The traversal extends to the Examiner's separation of Groups I, II, and III. That separation is improper and should be withdrawn or modified.

Each of the claims in Groups I and II falls not only within the same class (class 424), but also the same subclass (subclass 1.29). Thus, the search will be made in the same area and cannot be an undue burden on the Examiner. The Examiner's arguments about the distinct nature of the claims are undermined by the common class/subclass. Each of the claims in Group III also falls within the same class and subclass (class 435, subclass 4). It seems that the primary distinction between the allegedly-distinct groups is certain materials associated with generic microparticles or libraries—such a distinction, however, cannot support the current 15-way restriction requirement of overlapping claims that share classes and subclasses.

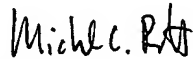
It would appear that the current situation would be more appropriately addressed by a more-manageable restriction requirement with a possible election of species requirement, *not a 15-way restriction*. Should the Examiner agree, Applicants believe it would be appropriate to group (a) Groups I and II in a single group (claims 1-32 and 53-55), and (b) Groups III (claims 33-52), IV (claims 56-59), and V (claim 60) separately. This would yield a 4-way restriction: Group I (claims 1-32 and 53-55), Group II (claims 33-52), Group III (claims 56-59), and Group IV (claim 60). Although Applicant is not representing that these groups form distinct inventions, this grouping would reflect what is believed to be the Examiner's intent, reflect common classes

and subclasses, and would not contain overlapping claims. To each of these groups, a reasonable species election could be applied concerning microparticle materials. Once a generic claim (e.g., the microparticle of claim 1) is found allowable, the Examiner could proceed to examine the species, or the entire genus represented by the claims of the group. If the Examiner modifies the requirement in this manner, he is authorized to proceed on this basis.

Conclusion

Should the Examiner have any questions regarding this response, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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